

AF

IFW 2616

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 22313-1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

*Gladys S. Morales*

Date: April 7, 2006

MAIL STOP AMENDMENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: Toshiharu KOSHINO

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§

Conf. No.: 8386

§ Group Art Unit: 2616

Appln. No.: 09/780,534

§ Examiner: H.T. Nguyen

Filing Date: February 9, 2001

§ Attorney Docket No.: 8861-401US  
§ (P24597-01)

Title: DATA RECORDING METHOD AND DATA RECORDING DEVICE USING SAME

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
(UNDER 37 C.F.R. §1.97(d))**

**TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

1. The 2<sup>nd</sup> Supplemental Information Disclosure Statement (IDS) transmitted herewith is being filed after a Final Rejection under § 1.113, but before payment of the issue fee.

**STATEMENT, PETITION AND FEE**

2. In accordance with the requirements of 37 C.F.R. § 1.97(d):

A. Accompanying this transmittal is the following statement, as specified in 37 C.F.R. § 1.97(e):

Each item of information contained in this 2<sup>nd</sup> Supplemental IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this 2nd Supplemental IDS. 37 C.F.R. § 1.97(e)(1).  
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An Office Action in a corresponding Japanese patent application is attached to this IDS.

B. Applicant submits the petition fee set forth in 37 C.F.R. § 1.17(p).

**FEE DUE**

3. Petition fee due (§ 1.17(p)): **\$180.00**

**METHOD OF PAYMENT OF FEE**

4.

- A check in the amount of **\$180.00** for submission of a 2<sup>nd</sup> Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(d) and §1.17(p) is enclosed herewith.
- The Commissioner is hereby authorized to charge Deposit Account No. 50-1017 (Billing No. 208861.0401) as noted below.
- Information Disclosure Statement Fee under 37 C.F.R. §1.97(d) and §1.17(p) in the amount of \$180.00.
- Any deficiencies or overpayments in the above-calculated fee.

5. It is requested that the enclosed reference listed on the attached Information Disclosure Citation Form PTO/SB/08A be considered by the Patent Examiner in connection with the above-identified application and be made of record therein.

Independent consideration and acknowledgment of the enclosed reference is respectfully requested.

Respectfully submitted,

Toshiharu KOSHINO, et al.

April 7, 2006  
(Date)

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Enclosures



**ATTACHMENT TO SECOND SUPPLEMENTAL IDS**  
**(U.S. Application No. 09/780,534)**

PARTIAL ENGLISH TRANSLATION OF OFFICIAL ACTION

**PRELIMINARY NOTICE OF REJECTION**

Application No.:

2000-034074

Date of Service:

March 7, 2006

This application is to be rejected on the grounds as set forth below. If the applicant has any argument against the grounds, such argument should be submitted within **60 days** from the date of service.

**GROUND 1 (Unity of Invention)**

This application does not comply with the requirements under Article 37 of the Japanese Patent Law.

**Examiner's Comments**

The inventions according to claims 1 to 16 include of an invention according to claims 1 to 11 and an invention according to claims 12 to 16.

This application does not comply with Article 37 of the Japanese Patent Law. Accordingly, the inventions described in claims 12 to 16 are not examined from the point of view of patentability requirements such as novelty, inventive step over prior art publications etc.

**GROUND 2 (Inventive Step)**

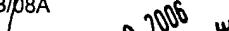
The inventions as claimed in the following claims of this application are obvious to those skilled in the art from the inventions which were described in the following references which were made available to the public in Japan or elsewhere prior to the effective filing date of this application. Accordingly, this application will be rejected under Section 2 of Article 29 of the Japanese Patent Law.

**Examiner's Comments**

Claims 1 to 11 are rejected based on the first and second cited references.

**List of cited references**

1. Japanese patent laid-open publication No. 11-149719; and
2. Japanese patent laid-open publication No. 10-106234.

Form PTO/SB/08A <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		<b>Complete if Known</b>	
		<b>Application Number</b>	09/780,534
		<b>Filing Date</b>	February 9, 2001
		<b>First Named Inventor</b>	Toshiharu KOSHINO
		<b>Group Art Unit</b>	2616
		<b>Examiner Name</b>	H.T. Nguyen
<b>Attorney Docket Number</b>	8861-401US (P24597-01)		
Sheet	1	of	1

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exr Initials	Include Name of first Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book, also include publisher and city and/or county where published.	T <sub>1</sub>

Examiner Signature		Date Considered	
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**T1** - Place a check mark if complete document is in English; otherwise, place a letter "A" if only an English abstract is attached.